



CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance & Litigation



Biweekly Report - Period Ending December 21, 1996

Comint Systems Corporation GAO B-274853

Post hearing briefs were filed in this case that alleges that the Government acted in bad faith, violated the SBA regulations, and improperly awarded an 8(a) contract for computer hardware and software support at the PTO. Protestor alleges that the Government had an obligation to give it the opportunity to participate in the process and to notify the SBA that it, as a small business, would be economically affected by the award. The SBA has provided an opinion to the GAO, consistent with the Government's position, that, based on the nature of the award, the Protestor has no standing to raise the issue. The GAO is therefore left to determine whether the PTO's estimate, that the value of the award would be less than \$3,000,000, thereby justifying a sole source award to the incumbent as opposed to a competitive procurement, was reasonable. Ken Lechter expects a decision on or before January 15, 1997.

Federal Court Bid Protest Jurisdiction

Jerry Walz and Mark Langstein attended an interagency meeting of Government contract attorneys convened by OMB which will attempt to assure that the new federal court bid protest jurisdiction, which commences as

of January 1997, is applied in a manner favorable to the Government and does not backstep from gains in this area resulting from FASA, FARA and ITMRA. We are also participating in several subcommittees formed as a result of the meeting.

Polar Satellite Program

The General Counsel's staff at NASA's Goddard Space Flight Center advised NOAA and NASA that the Government has a right to recover damages from Lockheed Martin because of a latent defect in the NOAA-13 satellite. Roxie Jones is reviewing the NASA opinion.

NEXRAD TPMS

In this large acquisition of temporary power supplies for NEXRADs to enable them to continue functioning in the brief time interval after main power fails and before backup generator power "kicks in," Mark Langstein accompanied the Contracting Officer and prospective offerors to two Western Region sites to permit offerors to gain a better understanding of the potential contract challenges and to respond to queries. The date for submission of proposals in this procurement has been extended from January 7th to January 30th.

Integrated Systems Group v. DOC

The appellant in this PTO Termination for Default appeal has agreed to a no-cost termination and will withdraw its appeal. This case will be dismissed upon filing of the appropriate documents. Lisa J. Obayashi has the matter.

CONOPS-DataWarehouse Project

The PTO DataWarehouse Project Team has selected the winner of the DataWarehouse competition. This \$7,000,000 contract is one of the three PTO designated pilot projects to be completed under the Concept of Operations, the newly designed acquisition system. Lisa J. Obayashi is advising.

2000 Census Advertising Procurement

We have now been informed that this will become a CONOPS project and that a project team is being formed. Fred Kopatich is already working with the Contracting Officer during the early stages of the procurement.

**Last Report of 1996
Happy New Year!**

Actions Completed/Received during Period

	From 12/8/96	To 12/21/96
	Received	Completed
NIST	2	2
NOAA	14	10
PTO	3	4
Total	19	16

Contract Law Division—Client Workload Period Ending 12/21/96

